



State Water Resources Control Board

Division of Drinking Water

November 6, 2017

System No. 3601128

Craig Reynolds
Owner
Empire Landing Campground
1201 Parker Dam Road
Earp, CA 92242
craig@piratesdenresort.com

CITATION NO. 05-13-17C-025
CITATION FOR NON-COMPLIANCE
2016 ANNUAL REPORT TO THE DRINKING WATER PROGRAM
EMPIRE LANDING CAMPGROUND (SYSTEM NO. 3601128)

Enclosed is Citation No. 05-13-17C-025 (hereinafter "Citation"), issued to the Empire Landing Campground (hereinafter "Campground"), public water system. Please note there are legally enforceable deadlines associated with this Citation.

The Campground will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately 4 hour(s) on enforcement activities associated with this violation.

The Campground will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Campground for the current fiscal year.

Any person who is aggrieved by a citation issued by the State Water Board may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the State Water Board mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

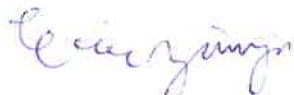
FELICIA MANCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

464 W. 4th Street, #437, San Bernardino, CA 92401 | www.waterboards.ca.gov

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Wei Chang of my staff at (909) 383-6029 or me at (909) 383-5289.

Sincerely,



Eric J. Zúñiga
District Engineer
San Bernardino District
Southern California Operations Branch

Enclosures: Citation No. 05-13-17C-025

Certified Mail No. 7006 2150 0004 3940 8348

cc: Larry Carter, Bureau of Land Management, lcarter@blm.gov

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Empire Landing Campground

Water System No: 3601128

Attention: Craig Reynolds, Owner

1201 Parker Dam Road

Earp, CA 92242

Issued: November 6, 2017

**CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE
DIVISION 104, PART 12, CHAPTER 4, ARTICLE 7, SECTION 116530
FAILURE TO SUBMIT 2016 ANNUAL REPORT**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.



1
2 The State Water Board, acting by and through its Division of Drinking Water (hereinafter
3 "Division"), and the Deputy Director for the Division, hereby issues Citation No. 05-13-
4 17C-025 (hereinafter "Citation"), pursuant to Section 1166330(f) and 116650 of the
5 CHSC to the Empire Landing Campground (hereinafter "Campground"), for violation of
6 CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116530.

7
8 A copy of the applicable statutes and regulations are included in Appendix 1, which is
9 attached hereto and incorporated by reference.

10 11 **STATEMENT OF FACTS**

12 Empire Landing Campground is classified as a transient community water system
13 serving a population of 100 through 12 service connections. The Campground operates
14 under Water Supply Permit No. 09-3601128-01, issued by the San Bernardino County
15 Environmental Health Services on March 5, 2009.

16
17 Pursuant to Section 116530 of the CHSC, the Campground must submit a technical
18 report to the State Water Board when requested. The State Water Board has
19 established a requirement for public water system to annually submit a technical report
20 specifying contact and operational information for the prior calendar year. On March
21 17, 2017, the State Water Board sent to all public water systems an email notification
22 that the Annual Report for Calendar Year 2016 was due to be submitted by April 30,
23 2017. This notice also included instructions on how to submit the report electronically
24 to the State Water Board. The Campground failed to submit the report by the due date.
25 On or around July 1, 2017, the State Water Board sent a notice to the Campground that
26 its 2016 Annual Report was past due. As of the date of this Citation, the State Water
27 Board has not received the report from the Campground.

1

2 **DETERMINATION**

3 The Campground has failed to submit an electronic Annual Report for the Calendar
4 year 2016. Consequently, the State Water Board has determined that the Campground
5 violated CHSC, Division 104, Part 12, Chapter 4, Article 7, section 116530.
6

7 **DIRECTIVES**

8 The Campground is hereby directed to take the following actions:

- 9 1. On or before December 22, 2017, complete an Annual Report for 2016 and
10 submit it to the State Water Board at <http://drinc.ca.gov> in accordance with the
11 instructions provided in the notice contained in Appendix 2.
- 12 2. On or before December 1, 2017 complete and return to the State Water Board
13 the "Notification of Receipt" form attached to the Citation at Appendix 3.
14 Completion of this form confirms that the Campground has received this Citation
15 and understands that it contains legally enforceable directive(s) with due dates.
16

17 All submittals required by this Citation, with the exception of the 2016 Annual Report
18 shall be electronically submitted to the State Water Board at the following address.
19

20 Eric J. Zúñiga
21 District Engineer
22 San Bernardino District
23 dwpdist13@waterboards.ca.gov
24

25 The subject line for all electronic submittals corresponding to this Citation shall include
26 the following information: Water System name and number, citation number and title
27 of the document being submitted.

1
2 The State Water Board reserves the right to make such modifications to this Citation as
3 it may deem necessary to protect public health and safety. Such modifications may be
4 issued as amendments to this Citation, and shall be deemed effective upon issuance.
5

6 Nothing in this Citation relieves the Campground of its obligation to meet the
7 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
8 commencing with Section 116270), or of any regulation, standard, permit or order
9 issued or adopted thereunder.
10

11 **PARTIES BOUND**

12 This Citation shall apply to and be binding upon the Campground, its owners,
13 shareholders, officers, directors, agents, employees, contractors, successors, and
14 assignees.
15

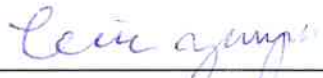
16 **SEVERABILITY**

17 The directives of this Citation are severable, and the Campground shall comply with
18 each and every provision thereof, notwithstanding the effectiveness of any other
19 provision.
20

21 **FURTHER ENFORCEMENT ACTION**

22 The California SDWA authorizes the State Water Board to: issue a citation with
23 assessment of administrative penalties or an order to a public water system for violation
24 or continued violation of the requirements of the California SDWA or any regulation,
25 permit, standard, citation or order issued or adopted thereunder including, but not
26 limited to, failure to correct a violation identified in a citation or compliance order. The
27 California SDWA also authorizes the State Water Board to take action to suspend or

1 revoke a permit that has been issued to a public water system if the system has violated
2 applicable law or regulations or has failed to comply with an order of the State Water
3 Board; and to petition the superior court to take various enforcement measures against
4 a public water system that has failed to comply with an order of the State Water Board.
5 The State Water Board does not waive any further enforcement action by issuance of
6 this Citation.

7
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10 

11 Eric J. Zúñiga, P.E.
12 District Engineer
13 San Bernardino District
14 Drinking Water Field Operations Branch
15

11/3/17

16 Date

17 **Appendices**

- 18 1. Applicable Authorities
19 2. 2016 Annual Report Notification
20 3. Notification of Receipt form
21

22 Certified Mail No. 7006 2150 0004 3940 8348
23
24
25
26
27

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 05-13-17C-025
FAILURE TO SUBMIT 2016 ANNUAL REPORT**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy

director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116275 states in relevant part:

- (b) "Department" means the state board.
- (ab) "State board" means the State Water Resources Control Board.
- (ac) "Deputy director" means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

Section 116330 states in relevant part:

- (f) The local primacy agency shall act for the department as the primary agency responsible for the administration and enforcement of this chapter for the specified public water systems and shall be empowered with all of the authority granted to the department by this chapter over those water systems.

Section 116530 states:

A public water system shall submit a technical report to the department as part of the permit application or when otherwise required by the department. This report may include, but not be limited to, detailed plans and specifications, water quality information, and physical descriptions of the existing or proposed system, and financial assurance information.

Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

Appendix 2 – 2016 Annual Report Notification

From: lyris@swrcb18.waterboards.ca.gov [mailto:lyris@swrcb18.waterboards.ca.gov]

Sent: Friday, March 17, 2017 3:40 PM

To:

Subject: ANNUAL REPORT FOR CALENDAR YEAR 2016



This is a message from the State Water Resources Control Board.

Hello Public Water System Representative:

It is again time to report to the State Water Resources Control Board's Division of Drinking Water (DDW), formerly the California Department of Public Health (CDPH), on the operation of your public water system during the past year (2016). This annual report is intended to provide DDW with updated information regarding your water system, including contact information, population served, number of service connections, modifications made in the previous year, etc. Your accurate and timely completion of this report is appreciated.

In addition, if you have prepared the 2016 Consumer Confidence Report (CCR), you can also upload it at this time by going to the MY CCR UPLOADS tab.

The 2016 electronic Annual Report to the Drinking Water Program (2016 eARDWP) is due to be submitted by **April 30, 2017**.

Since 2010, DDW (CDPH at the time) has instituted procedures for submittal of the annual reports in an electronic format via the eARDWP Portal website. Please note that since you previously registered for access to the eARDWP website, you do not need to register again to begin completing the 2016 eARDWP. Simply login to the eARDWP Portal using your user name (email address) and password; then go to the **MY EAR REPORTS** tab. Each previously submitted report will have a link on this page. At the bottom of the page is a link to start the 2016 eARDWP.

To access the eARDWP online page, please go to the following link for our DRINC Portal at <http://drinc.ca.gov> and then select the Electronic Annual Report link on the left-hand side of the page or go directly to <http://drinc.ca.gov/ear/>. You may find that some of the report is "pre-populated" with information from our Safe Drinking Water Information System (SDWIS) database. Please check this information to make sure it is still correct and current. To assist you in completing this year's report, you can also pre-populate each section of the report (except for the Water Supplied, Water Rates and Deliveries, Improvements, Complaints, and Conservation sections) with information from last year's report by clicking "Prefill this Section" on the left-hand side just above the section tabs.

[Previous](#)

[Save and Exit](#)

[Next](#)

[Prefill this Section](#)

[Clear and Reset the Entire Report](#)

[Clear and Reset this Section Only](#)

Intro	Contact	Population	Connections	Sources	Water Supplied	Water Rates and Deliveries	Water Quality	Backflow	CCR
Certification	Improvements	Complaints	Recycled	Treatment	Distribution	Emergency	Conservation	Finalize	

If you need to add another water system to your registered list: You must ensure you are registered for each water system for which you must submit a report. To register for a new system, you must login to the eARDWP Portal using your user name (email address) and password, then go to the **MY PROFILE** tab and add a water system from the list. Within 3 to 5 days after you have added the new water system to your list, and we have reviewed your registration, you will receive an email to allow you access to start a report for that new public water system(s). You may begin creating the 2016 eARDWP for any water systems for which you have prior approval while you are waiting for the approval for the newly added water system.

If you forgot your password:

Password: You must first login using your user name (email address). When you are at the screen requiring your password, click on the link **FORGOT PASSWORD?**. Your password will be forwarded to your email account.

Any documents that you wish to accompany the eARDWP other than an updated Water Quality Emergency Notification Plan must be submitted **to the water system's local regulatory agency**. You may submit your updated Water Quality Emergency Notification Plan via the eARDWP portal in the same manner that you submit your CCR and CCR Certification by going to the MY WQENP UPLOADS tab. For a map identifying DDW District Offices, please click HERE. For contact information of county environmental health agencies, please click HERE.

This year, we are again providing a Frequently Asked Questions (FAQ) posted on the eARDWP portal. We strongly suggest that you read the FAQ before starting a report. You do not need to be logged in to view the FAQ. If you have any questions that are not addressed in the FAQ related to the 2016 eARDWP, please contact your local regulatory agency or send an email to DRINC@waterboards.ca.gov.

You can continue to edit, or if you have not done so create, your service area boundaries and enter them in the **Drinking Water Systems Geographic Reporting Tool**, also known as the **Water Boundary Tool**. The Tool could be accessed through the DRINC Portal website or directly at <http://cehttp.org/page/water/main>. This web-based tool is designed to produce high resolution, digital maps of drinking water system customer service areas for the entire state of California, to assist water systems in digitizing their customer service area boundaries and identifying their neighboring systems, and to create a geographic information system (GIS) layer useful for emergency preparedness, for public health prevention and response, and for public health research.

Thank you for your cooperation in completing the Annual Report.

Division of Drinking Water

You are currently subscribed to drinkingwater_public_water_systems as:

This email is being sent to you because you were identified by your water agency as the Administrative Contact. If you are not the Administrative Contact for your water agency, please contact your local Division of Drinking Water office or county Local Primacy office.

For a map of the district offices, please go to

http://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf

Appendix 3 –Notification of Receipt

Citation Number: 05-13-17C-025

Name of Water System: Empire Landing Campground

System Number: 3601128

Certification

I certify that I am an authorized representative of the Empire Landing Campground and that Citation Number 05-13-17C-025 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Empire Landing Campground and it is clearly understood that Citation Number 05-13-17C-025 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER
RESOURCES CONTROL BOARD, DIVISION OF DRINKING WATER, NO LATER THAN
DECEMBER 1, 2017**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.